REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks and the accompanying Request for Continued Examination. Prior to entry of this response, Claims 1-37 were pending in the application, of which Claims 1, 18, and 32 are independent. In the Office Action dated September 11, 2008, Claims 1-37 were rejected. Following this response, Claims 1, 17, 18, 22, 31, 32, and 35 have been amended to clarify the claimed subject matter and correct minor informalities. Claims 7 and 8 have been cancelled without prejudice or disclaimer. Applicant hereby addresses the Office Action's rejections in turn.

Rejection of the Claims Under 35 U.S.C. §102(e)

The Office Action rejected Claims 1-8, 16-22, 30-35, and 37 under 35 U.S.C. § 102(e), as being anticipated by U.S. Patent No. 7,319,545 ("*Linder*"). Independent claims 1, 18, and 32 have been amended to further define and clarify the invention, and Applicant respectfully submits that the amendments overcome this rejection and adds no new matter.

Amended Claim 1 recited a method that includes, *inter alia*, "designing a target comprising a plurality of near-neutral patches surrounding a plurality of neutral gray patches in different lightness levels ranging from white to black", "defining a desired neutral aim in a device independent profile connection space (PCS)", and "receiving a plurality of measurements of the plurality of near-neutral patches for different lightness levels from the target printed by an imaging system using a first plurality of sets of color values of the imaging system's color space, derived based on a second plurality of sets of color values of the PCS and in accordance with a print table of a color profile of the imaging system mapping color value sets from the PCS to color value sets in the imaging system's color space." Support for these amendments can be found in the specification at least in FIG. 1a and associated text (e.g. pages 3-4).

In contrast, *Linder* at least does not disclose the aforementioned recitations. For example, *Linder* discloses printing a test target and scanning it followed by comparing the values obtained from scanning to desired values for compensating a drift in the output of a color reproduction device (See *Linder*, Abstract, col. 2, lines 35-45). *Linder* further discloses developing a test target that includes step wedges in CMYK colorants and preferably a large number of nearly

neutral patches (See *Linder*, col. 4, lines 32-39) and determining desired aim values from the test target (See *Linder*, col. 4, lines 51-56). Thus, the aim values according to *Linder* are in a device color space (i.e. imaging system space). Nowhere does *Linder* disclose near-neutral patches of the target surrounding a plurality of neutral gray patches in different lightness levels ranging from white to black or defining the desired neutral aim in a device independent profile connection space (PCS).

Furthermore, *Linder* also fails to disclose receiving measurements of the near-neutral patches for different lightness levels using a first set of color values of the imaging system's color space, derived based on a second set of color values of the PCS defining the near-neutral patches of the target in the PCS. Rather, *Linder* merely uses the device color space for generating the target and aim values. Therefore, amended claim 1 is patentably distinguishable over the cited art since *Linder* fails to anticipate or suggest the claimed subject matter as recited by amended Claim 1.

Amended Claims 18 and 32 recite an apparatus and an article of manufacture, respectively, with each including programming instructions designed to enable an apparatus to perform actions similar to the operations of the method of Claim 1. Therefore, independent Claim 18 and 32 are distinguishable over the cited art for at least the same reasons as discussed for Claim 1, and Applicant respectfully requests withdrawal of the rejections of Claims 18 and 32.

Dependent Claims 1-8, 16, 17; 19-22, 30, 31; and 33-35, 37 depend from independent Claims 1, 18, and 32, respectively, with additional elements such as "taking the measurements in a manner that directly provides fourth color values of the printed near-neutral patches in the PCS" and "taking the measurements in a manner that does not directly provide fourth color values of the printed near-neutral patches in the PCS, and converting the measurements taken into the fourth color values in the PCS" of Claims 2 and 3. Not only does Linder fail to anticipate or suggest the above discussed elements of the independent claims, but the cited reference also does not teach or suggest additional elements like these either. Therefore, Claims 1-8, 16, 17; 19-22, 30, 31; and 33-35, 37 are also allowable at least for the reasons described above regarding independent parent claims and by virtue of their additional elements. Accordingly, Applicant respectfully requests withdrawal of the rejections of dependent Claims 1-8, 16, 17; 19-22, 30, 31; and 33-35, 37.

Rejection of the Claims Under 35 U.S.C. § 103(a)

The Office Action rejected Claims 9-15, 23-29, and 36 under 35 U.S.C. § 103(a) as being unpatentable over *Linder* in view of U.S. Application Pub. No. 2003/0072016 ("*Dalrymple*"). The Applicant respectfully submits that the amendments to the parent claims overcome these rejections as well and add no new matter.

Claims 9-15, 23-29, and 36 depend from amended independent Claims 1, 18, and 32, respectively. As discussed above, *Linder* fails to disclose at least near-neutral patches of the target surrounding a plurality of neutral gray patches in different lightness levels ranging from white to black, defining the desired neutral aim in a device independent profile connection space (PCS), or receiving measurements of the near-neutral patches for different lightness levels using a first set of color values of the imaging system's color space, derived based on a second set of color values of the PCS defining the near-neutral patches of the target in the PCS. While teaching a method of color conversion by providing a first color domain input signal, sorting the input signals of the first color domain input signal set according to signal intensity, designing and generating look-up table sets for color polyhedrons, selecting a set of look-up tables for use with a specific color polyhedron, looking up values in the look-up table set as a function of the input signal set, generating weights as a function of the sorted signal intensities, and interpolating the output from the selected look-up tables as a function of the selected look-up table and the generated weights to produce a color domain signal set which is converted to a desired color domain signal set (See *Dalrymple* Abstract, par. 36), *Dalrymple* does not cure these deficiencies. Thus, Claims 9-15, 23-29, and 36 are allowable for at least the same reasons as for their respective parent claims and by virtue of their additional features such as weighting the measured lightness of each node in accordance with an amount of contribution to the area containing the neutral node at the lightness level by an area defined by the neutral node, the node, and at least one other node. As an example, neither of the cited references teaches this feature, individually or in combination. Therefore, Applicant respectfully requests withdrawal of the rejection of Claims 9-15, 23-29, and 36.

CONCLUSION

In view of the foregoing remarks and the accompanying Request for Continued Examination, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Respectfully Submitted,

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